

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

| | | |
|-------------------------------------|---|--------------------------------|
| 1) VIDEO GAMING TECHNOLOGIES, INC., |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 4:17-cv-00454-GKF-jfj |
| |) | |
| 1) CASTLE HILL STUDIOS LLC |) | |
| (d/b/a CASTLE HILL GAMING); |) | |
| 2) CASTLE HILL HOLDING LLC |) | |
| (d/b/a CASTLE HILL GAMING); and |) | |
| 3) IRONWORKS DEVELOPMENT, LLC |) | |
| (d/b/a CASTLE HILL GAMING) |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF’S NOTICE OF SUBMISSION OF HARD COPY
TRANSCRIPTS ANNOTATED WITH OBJECTIONS**

Pursuant to the Court’s Fifth Amended Scheduling Order, Plaintiff Video Gaming Technologies, Inc. (“VGT”) hereby provides notice of its submission to the Court Clerk of hard copy transcripts of the Parties’ deposition designations and counter-designations annotated with the Parties’ objections.¹ Prior to the submission of these annotated transcripts, VGT met with Defendants (“CHG”) in an effort to resolve objections.

To reduce duplicative submissions, each Party agreed to submit only the hard copy transcripts of the depositions for which it was the primary proponent, annotated with each Party’s designations, counter-designations, and objections. Where both Parties initially designated deposition testimony for a particular witness, the Parties agreed to submit hard copy

¹ Pursuant to the Court’s Fifth Amended Scheduling Order, VGT is separately filing a brief setting forth its objections to CHG’s designations and counter-designations, as well as briefing on “unusual objections.”

transcripts as follows: VGT would submit transcripts for Zachary Schmid and John Taylor; CHG would submit transcripts for Sarah Carlson, Zachary Trover, and Jon Yarbrough.

Note that certain portions of the depositions have been designated as either **CONFIDENTIAL** or **HIGHLY CONFIDENTIAL** by one or both of the Parties pursuant to the Court's Protective Order (Dkt. 55).

VGT submits the annotated deposition transcripts for the following witnesses:

| Tab | Witness |
|-----|---------------------------------|
| 1. | James Berger |
| 2. | Brandon Booker ² |
| 3. | Daniel Fulton (May 31, 2018) |
| 4. | Daniel Fulton (August 1, 2018) |
| 5. | Joshua Larson |
| 6. | Aaron Milligan |
| 7. | Seth Morgan |
| 8. | Alan Roireau (May 15, 2018) |
| 9. | Alan Roireau (August 1, 2018) |
| 10. | Andrew Scheiner |
| 11. | Zachary Schmid |
| 12. | Richard Sisson (April 17, 2018) |
| 13. | Richard Sisson (August 2, 2018) |
| 14. | Jason Sprinkle (May 18, 2018) |
| 15. | Jason Sprinkle (July 11, 2018) |
| 16. | Paul Suggs |
| 17. | John Taylor |
| 18. | Joseph Valandra |
| 19. | Arthur Watson (July 12, 2018) |
| 20. | Arthur Watson (August 2, 2018) |
| 21. | George Weilacher |

² During the course of exchanging designations, counter-designations, and objections for the deposition of Brandon Booker, the Parties learned that they had been using two different versions of Mr. Booker's deposition transcript, resulting in a one-page misalignment of VGT's designations, CHG's counter-designations, and the Parties' resulting objections. VGT has included herein a placeholder Mr. Booker's deposition transcript. The Parties intend jointly to submit a revised transcript to reflect more accurately the Parties' intent.

VGT uses the following color-coding for the Parties' designations and counter-designations:

- **CHG's Designations in Blue;**
- **VGT's Designations in Red;**
- **VGT's Counter Designations in Green;** and
- **CHG's Counter-Designations in Purple.**

VGT uses the following abbreviations for its objections:

| Code | Objection |
|-----------|---|
| A | Argumentative |
| B | Violates Best Evidence Rule (FRE 1002-1004) |
| C | Compound |
| D | Duplicative/Cumulative |
| EX | Topic excluded by Court Order (<i>e.g.</i> , Dkts. 344, 345) |
| F | Lacks Foundation/Lacks Personal Knowledge/Calls for Speculation (FRE 602) |
| H | Hearsay/Improper Use of Deposition (FRE 801-802; FRCP 32) |
| I | Improper/Incomplete Designation (FRE 106; FRCP 32(a)(6)) |
| IC | Improper Counter-Designation (FRE 106; FRCP 32(a)(6)) |
| IO | Calls for Improper Lay or Expert Opinion (FRE 701-703) |
| L | Leading |
| LC | Calls for Improper Legal Conclusion (FRE 403) |
| M | Misleading/Mischaracterizes Prior Testimony |
| MD | Mischaracterizes Underlying Document (FRE 401-403) |
| NE | Assumes Facts Not in Evidence (FRE 103) |
| NR | Nonresponsive |
| P | Prejudice/Confusion/Delay/Waste of Time (FRE 403) |
| R | Relevance (FRE 401/402) |
| SC | Beyond the Scope of the Witness's Testimony as a Corporate Representative |
| V | Vague/Ambiguous/Overbroad |

August 15, 2019

Respectfully submitted,

/s/ Gary M. Rubman

Graydon Dean Luthey, Jr., OBA No. 5568
GABLE GOTWALS
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, OK 74103-4217
Telephone: (918) 595-4821
Facsimile: (918) 595-4990
dluthey@gablelaw.com

Gary M. Rubman
Peter A. Swanson
Rebecca B. Dalton
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: (202) 662-6000
Facsimile: (202) 778-5465
grubman@cov.com
pswanson@cov.com
rdalton@cov.com
(admitted pro hac vice)

Neil K. Roman
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Telephone: (212) 841-1221
Facsimile: (212) 841-1010
nroman@cov.com
(admitted pro hac vice)

Counsel for Video Gaming Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2019, I caused the foregoing to be served on the following counsel for Defendants via ECF:

Robert C. Gill
Thomas S. Schaufelberger
Matthew J. Antonelli
SAUL EWING ARNSTEIN & LEHR, LLP
1919 Pennsylvania Avenue, NW, Suite 550
Washington, DC 20006
(202) 295-6605
(202) 295-6705 (facsimile)
robert.gill@saul.com
tschauf@saul.com
matt.antonelli@saul.com

Sherry H. Flax
SAUL EWING ARNSTEIN & LEHR, LLP
500 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 332-8764
(410) 332-8785 (facsimile)
sherry.flax@saul.com

James C. Hodges, OBA 4254
JAMES C. HODGES, PC
2622 East 21st Street, Suite 4
Tulsa, OK 74114
Telephone: (918) 779-7078
JHodges@HodgesLC.Com

Duane H. Zobrist
Jonathan S. Jacobs
ZOBRIST LAW GROUP PLLC
1900 Arlington Blvd. Suite B
Charlottesville, VA 22903
(434) 658-6400
dzobrist@zoblaw.com
jjacobs@zoblaw.com

Thomas G. Connolly
HARRIS WILSHIRE & GRANNIS LLC
1919 M ST NW FLR 8
Washington, DC 20036
(202) 730-1339
tconnolly@hwglaw.com
Attorneys for Defendants

/s/ Gary Rubman